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RUEKJCS/JOINT STAFF WASHDC IMMEDIATE  
RUEHGV/USMISSION GENEVA IMMEDIATE 1591  
RUEHVEN/USMISSION USOSCE IMMEDIATE 3646  
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 3039  
RUEHNO/USMISSION USNATO BRUSSELS BE IMMEDIATE  
RUEHBS/USEU BRUSSELS IMMEDIATE  
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL IMMEDIATE

S E C R E T SECTION 01 OF 02 BISHKEK 001244

SIPDIS

STATE FOR SCA/CEN

E.O. 12958: DECL: 12/21/2019

TAGS: [KLIG](#) [PREL](#) [PINR](#) [ASEC](#) [PGOV](#) [KG](#)

SUBJECT: ENDING THE FSN CONTROVERSY, AND MAKING THE PRESS

REF: BISHKEK 1224 AND PREVIOUS

Classified By: Charge D'Affaires Larry L. Memmott, for Reasons 1.4 (b) and (d).

¶1. (U) Summary: In a series of meetings with several Kyrgyz government interlocutors over the past week, we have pressed for a document from the government formally ending, or notifying the USG of a final ending, of the criminal process against our two local employees, arrested by the National Security Service in October. We have received indications that such a document will be forthcoming, but have not yet received it. Meantime, Russian website segodnia.ru broke the story of the arrests on December 2, in an anti-American screed full of errors, but accurately naming one of our local employees. End Summary.

¶2. (C) We met on the evening of November 24 with Maxim Bakiyev to discuss moving forward the bilateral Economic Development Fund (septel). In the course of the discussion, Bakiyev asked about the status of the issue related to our local employees. We told him that it is not yet fully resolved; that we need a document from the government, perhaps a diplomatic note, formally stating that the criminal process against our employees has been permanently ended. Bakiyev clearly understood the need for such a document and said he would "work with the Foreign Minister to help him provide such a document."

¶3. (C) Sarbayev called the Embassy and asked for a meeting "immediately" the next day. During the meeting he said he was concerned because the legal process was continuing in the Kyrgyz courts as the lawyers of our FSNs proceeded with the numerous procedural challenges and appeals they had filed. It was a matter of time before this case leaked into the press, "which will do none of us any good." We told Sarbayev that our employees had received nothing more than an oral statement from the SNB investigator to the effect that they would not face criminal charges. They had received no written confirmation whatsoever. Further, their lawyers had informed us that under the provision of law used to release them it is not clear that charges could not be reinstated at a later date. That being the case, we felt we had no choice but to continue to protect the legal rights of our employees.

¶4. (C) Sarbayev responded by emphasizing, again, the importance of keeping the case quiet. We told him that if we were to receive a diplomatic note which clearly stated that the case against our employees had ended for good, we would be able to end legal action. Sarbayev said that it would take some work, but he expected he could provide such a document. To do that, he said, he would need us to end legal proceedings immediately. We agreed to explore that possibility and get back to him.

¶5. (C) RSO met with the lawyers the evening of November 25 to review the status of the case and ask their opinion. The lawyers said that they could withdraw their protests and complaints without prejudice, reintroducing them at a later date if that became necessary. We requested that they do so, and informed the FM that they would do so.

Into the Press  
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¶6. (U) On December 2, Russian web site segodnia.ru published a one page article on the case. Identifying its principal source as someone in the "special structures of Kyrgyzstan" (presumably the National Security Service, SNB), the article contains a mix of correct facts, errors, and anti-American statements. Most of the facts of the case itself are correct, and the site actually identifies by name RSO FSN Emil Chodronov. The descriptions of high level USG-Kyrgyz Government meetings related to the case suggest the source

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may have been in the lower reaches of the SNB, aware in general of the conversations, but without an accurate understand of who the players were or how the meetings took place.

¶7. (S) GRPO met with SNB contacts on December 1 and raised the need for a document ending the case. SNB agreed and promised to communicate with the Foreign Ministry to move the issue forward.

¶8. (C) Comment: We have been expecting word of this case to get to the press. With the legal process over and our employees out of custody, it is relatively easy to describe the case as a matter of misunderstanding without going into details. Post will forward proposed press guidance via email today. In the meantime, FM Sarbayev has been in Greece this week. We will approach him upon his return to ask about progress on a diplomatic note (or other document) putting this episode finally behind us.  
MEMMOTT